

THE DAVEY TREE EXPERT COMPANY

CORPORATE OFFICE, 1500 N. MANTUA ST., P.O. BOX 5193, KENT, OHIO 44240-5193
TEL. 330-673-9511

KARL J. WARNEKE, CHAIRMAN, PRESIDENT & C.E.O.



July 8, 2009

Representative Jeff Mayes
Anderson House Office Building
PO Box 30014
Lansing MI 48909-7514

Dear Representative Mayes:

As a representative of The Davey Tree Expert Company, I am concerned about Michigan's Frost Law and its negative impact on utility subcontractors. Michigan's Frost Law takes effect during the months of March, April and May each year. During these months, weight limits on certain county roads are generally reduced by 35%. This weight limit reduction presents special problems for my company. Many of our utility repair and maintenance vehicles are not able to meet this reduced weight limit; however, the need for reliable and efficient utility service does not end during those months.

Michigan's Frost Law only partially accommodates itself to the important needs of its citizens and businesses for reliable and efficient utility service. Michigan's utilities and their subcontractors may use county roads under Michigan's unreduced weight limits to respond to emergencies. However during these three months, utilities, **but not their subcontractors**, may obtain permits for their vehicles to use county roads under unreduced weight limits for non-emergency utility work such as trenching for underground electric, gas service and tree trimming in preparation for spring storms. Subcontractors do much of this work. Denying utility subcontractors the same ability to obtain permits to use county roads degrades utility industry efforts to operate reliably and efficiently.

We are a company that provides utility line clearance, to the utility industry. We perform these services for both Consumers Energy and Detroit Edison in Michigan. Additionally we have performed subcontract services for utilities throughout the United States and Canada. We are headquartered in Kent Ohio with a regional office in Clio Michigan and provide employment to 371 residents of Michigan, and have been in business for 129 years.

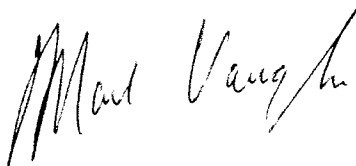
We carry substantial commercial general liability insurance to ensure we are well prepared for the many risks of our business. We employ 6,500 individuals, 371 of whom are from Michigan. Additionally the International Brotherhood of Electrical Workers, often known as the IBEW, generally represents a significant portion of our employees.

Representative Jeff Mayes
July 8, 2009
Page 2

We believe Michigan's current law, which allows utilities permitted use of county roads during March, April and May, is a fair compromise between the interests of maintaining roads and providing reliable and efficient utility service. We are doing the same work as utilities, and that work should be accorded the same privileges and responsibilities whether performed by a utility or its subcontractor.

I ask for your support of HB 4999 to address this issue. HB 4999 would simply allow utility subcontractors to use county roads during the months of March, April and May under the same rules that apply to the utilities that employ them.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Vaughn", with a stylized flourish at the end.

Mark J. Vaughn
Vice President, Eastern Utility Operations

c: House Energy & Technology Committee members